

# MEMORANDUM

Agenda Item No. 14(A)(8)

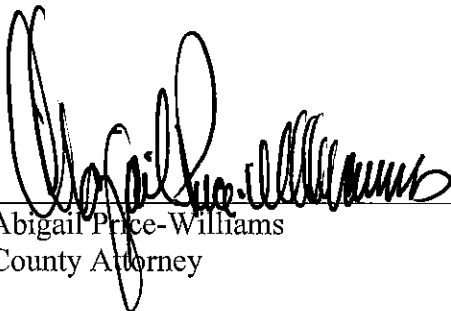
**TO:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

**DATE:** July 18, 2017

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Resolution urging Florida Secretary of State to maintain his refusal to provide confidential voter registration information to the Presidential Advisory Commission on Election Integrity and urging the Presidential Advisory Commission on election integrity to stop requesting widespread voter information in the absence of evidence or credible suspicion of voter fraud

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.



Abigail Price-Williams  
County Attorney

APW/cp



# MEMORANDUM

(Revised)

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and Members, Board of County Commissioners

**DATE:** July 18, 2017

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County Attorney

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Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 14(A)(8)  
7-18-17

RESOLUTION NO. \_\_\_\_\_

RESOLUTION URGING FLORIDA SECRETARY OF STATE  
TO MAINTAIN HIS REFUSAL TO PROVIDE CONFIDENTIAL  
VOTER REGISTRATION INFORMATION TO THE  
PRESIDENTIAL ADVISORY COMMISSION ON ELECTION  
INTEGRITY AND URGING THE PRESIDENTIAL ADVISORY  
COMMISSION ON ELECTION INTEGRITY TO STOP  
REQUESTING WIDESPREAD VOTER INFORMATION IN THE  
ABSENCE OF EVIDENCE OR CREDIBLE SUSPICION OF  
VOTER FRAUD

**WHEREAS**, the right to secrecy and privacy in a public election is a core value of United States democracy; and

**WHEREAS**, the history of election regulation consists of carefully balancing between the two competing interests of preventing voter intimidation and eliminating election fraud; and

**WHEREAS**, secrecy and privacy in voter registration information protects against the potential for voter intimidation by economic or official coercion and retaliation and preserves the voters' right to freely vote their conscience; and

**WHEREAS**, publicly available voter information allows verification and independent investigation into potential voter fraud; and

**WHEREAS**, Florida's public records laws preserves the constitutional right of access to government records in the absence of statutory exemptions; and

**WHEREAS**, section 97.0585, Florida Statutes, as well as general exemptions to the Florida public records laws set forth express exemptions for information contained in Florida's voter registration systems; and

**WHEREAS**, on May 11, 2017, President Trump issued Executive Order No. 13799 establishing the Presidential Advisory Commission on Election Integrity; and

**WHEREAS**, on June 28, 2017 Vice Chair Kris W. Kobach issued a letter to Florida Secretary of State Ken Detzner requesting detailed voter information, including “if publicly available under the laws of your state, the full first and last names of all registrants, middle names or initials if available, addresses, dates of birth, political party (if recorded in your state), last four digits of social security number if available, voter history (elections voted in) from 2006 onward, active/inactive status, cancelled status, information regarding any felony convictions, information regarding voter registration in another state, information regarding military status, and overseas citizen information;” and

**WHEREAS**, on July 6, 2017, Florida Secretary of State Ken Detzner responded to the request by informing Vice Chair Kobach that “although most of the information you requested is available to the public in Florida...[d]river’s license information and social security numbers are not, and cannot be provided” and that Florida “will also not release any information that is exempt or confidential under Florida law, including certain information regarding law enforcement officers, judges, prosecutors, and victims of stalking and domestic violence;” and

**WHEREAS**, there is no evidence or even a credible suspicion of widespread voter fraud occurring during the 2016 Presidential Election either at the national, state or local level; and

**WHEREAS**, in the absence of any evidence or credible suspicion of widespread voter fraud, this Board believes that the need to prevent voter intimidation by preserving the privacy and secrecy of voter registration records far outweighs the need for further investigation into voter fraud; and

**WHEREAS**, the June 28, 2017 request for detailed voter information has already lead to concerned citizens calling Florida Supervisors of Elections and protesting the release of even publicly available information to the Presidential Advisory Commission on Election Integrity; and

**WHEREAS**, the aggregation of all voter information from all voters in the United States into one federal database presents a clear and present cybersecurity risk for the personal information of United States citizens; and

**WHEREAS**, this Board believes that Florida Secretary of State Ken Detzner should continue to refuse to provide any and all voter information that is not affirmatively required by Florida public record laws to be produced upon request; and

**WHEREAS**, this Board believes that to preserve the American voter's faith in a free, secret and impartial election, the Presidential Advisory Commission on Election Integrity should immediately stop requesting such widespread and invasive voter information in the absence of any evidence or credible suspicion of widespread voter fraud even though such information may already be publicly available from multiple sources,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board:

**Section 1.** Urges Florida Secretary of State Ken Detzner to continue to refuse to provide the Presidential Advisory Commission on Election Integrity with information that is not affirmatively required to be produced under Florida public records laws to preserve the confidence and faith of Florida voters in the secrecy and privacy of confidential voter information and reduce the risks of voter intimidation.

**Section 2.** Urges the Presidential Advisory Commission on Election Integrity to immediately stop requesting widespread and invasive voter information in the absence of any evidence or credible suspicion of widespread voter fraud even though such information may already be publicly available from multiple sources.

**Section 3.** Directs the Clerk of this Board to send a certified copy of this resolution to the members of the Presidential Advisory Commission on Election Integrity, the Governor, the Chair and Members of the Miami-Dade County State Legislative Delegation and the Florida Secretary of State.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan. It was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Esteban L. Bovo, Jr., Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 18<sup>th</sup> day of July, 2017. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Oren Rosenthal

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